

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NANCY C. JOHNSON,

Plaintiff,

v.

UNITED STATES POSTAL SERVICE,
NATIONAL RURAL LETTER CARRIER'S
ASSOCIATION, VICKI GALGOWSKI,
JOE KAUFMAN and CHRIS KOTTKE,

Defendants.

ORDER

12-cv-127-slc

On August 10, 2012, defendants National Rural Letter Carrier's Association and Vicki Galgowski filed a motion to dismiss in this case. On August 20, 2012, defendants Joe Kaufman, Chris Kottke and United States Postal Service also filed a motion to dismiss or in alternative, for an order for a more definite statement. Plaintiff's briefs in opposition to the motions were to be filed no later than September 4, 2012 and September 11, 2012, respectively. Now plaintiff has moved for an extension of time in which to file her opposition briefs.

In her motion for extension of time, plaintiff states that she did not receive either motions to dismiss filed by defendants. The certificate of service for both motions state that the motions were mailed to plaintiff at 318 State Road 35, River Falls, WI 54022 on August 10 and August 20, respectively. However, plaintiff says that she only first learned of these motions in a phone call inquiry on September 7, 2012 to the clerk's office. She states that she was called to inquire as to the meaning of the August 21, 2012 briefing schedule she received that day. Pursuant to plaintiff's phone call request, the clerk's office mailed plaintiff copies of both defendants' motions to dismiss on September 7, 2012. I will give plaintiff an extension of time

until October 1, 2012 to file her briefs in opposition. Defendants may have until October 11, 2012 to file their replies.

In her motion for extension of time, plaintiff also requests that future correspondence from the defendants be sent to her via certified or express mail. There is no reason to believe that this will be a recurring problem. The court will not order service by certified or express mail; however, pursuant to Fed. R. Civ. P. 5(f), the parties are free to come to an agreement of delivery by any other means that the person consents to in writing. Accordingly, plaintiff's request will be denied.

ORDER

It is ORDERED that:

1. Plaintiff's motion for extension of time to file her briefs in opposition to defendants' motions to dismiss, dkt. 29, is GRANTED. Plaintiff shall file her opposition briefs to defendants' motions to dismiss by October 1, 2012 and defendants may file their reply briefs not later than October 11, 2012.

2. Plaintiff's request for future correspondence from the defendants be sent to her via certified or express mail, dkt. 29, is DENIED.

Entered this 11th day of September, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge